

Remarks

I. Summary of Office Action

Claims 1-31, 46-76, and 91-121 were pending in this application. Claims 32-45, 77-90, and 122-135 were withdrawn as being drawn to a non-elected invention.

Claims 1-3, 5-9, 11-15, 17-25, 27-30, 46-48, 50-54, 56-60, 62-70, 72-75, 91-93, 95-99, 101-105, 107-115, and 116-120 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,177,931 (hereinafter "Alexander").

Claims 4, 10, 16, 26, 31, 49, 55, 61, 71, 76, 94, 100, 106, 116, and 121 are rejected under 35 U.S.C. § 103(a) as being obvious over Alexander.

II. Summary of Applicants' Reply

Applicants have amended independent claims 1, 46, and 91 to more particularly define the invention. Applicants have cancelled dependent claims 4, 49, and 94 and the withdrawn claims 32-45, 77-90, and 122-135, without prejudice. Finally, Applicants have added new dependent claims 136-150. No new matter has been added and the claims are supported by the originally filed application. For example, support for these amendments and new claims can be found in paragraphs 44 and 46 of Applicants' specification.

Reconsideration of this application in light of the amendments and the following remarks is hereby respectfully requested.

III. The Rejections Under 35 U.S.C. § 102(e)

The Examiner has rejected independent claims 1, 46, and 91 under 35 U.S.C. § 102(e) as being anticipated by Alexander.

Applicants' claims 1, 46, and 91, as amended, are directed toward a method and systems for implementing an interactive television application on a plurality of user equipment in different households to provide interactive services to a plurality of users. A research focus is selected from a plurality of research focuses. A subset of research criteria is selectively enabled from a plurality of research criteria and a sub-plurality of user equipment is selectively enabled for data collection to support the selected research focus. The sub-plurality of user equipment is selectively enabled in response to a command from a head end to the sub-plurality of user equipment. An individual data record is generated for each one of a series of discrete acts that occurred on the interactive television application of the enabled sub-plurality of user equipment and that meet the enabled subset of research criteria.

For example, if the selected research focus is a system usability study of a particular neighborhood of users, then the head end might broadcast messages to only the user equipment in that neighborhood to collect data. Moreover, only data relevant to system usability would be included in the individual data records, for example, duration of certain remote button presses.

Alexander refers to a method for creating a user profile using data collected from the user's interaction with an EPG. The EPG then employs the user profile to customize its functions and services towards that particular user, including customized presentation of advertisements.

Applicants' claimed technique for generating individual data records from a sub-plurality of user equipment and based on selectively enabled research criteria represents a patentable improvement over Alexander. Disclosure cannot be found in Alexander that shows or suggests selectively enabling a sub-plurality of user equipment in response to a command from a head

end to generate individual data records that support a selected research focus.

More specifically, the portions of Alexander indicated by the Examiner are directed toward collecting user interaction data in order to develop a user profile for that particular user. In developing these user profiles, it is generally beneficial to collect all of the data that is relevant for creating user profiles from each and every user because when information is not collected for a particular user that user cannot benefit from the customized functions and services that can be directed toward that user based on his user profile. Rather than collecting information from every user in order to develop comprehensive user profiles, Applicants' claims specify that selected data is collected for a selected research focus. Based on which research focus is selected, Applicants' claims specify that only a portion of user equipment is enabled for data collection and only acts that meet the subset of research criteria of the selected research focus are included in the individual data records. Disclosure of these claimed features cannot be found in Alexander.

Accordingly, for at least these reasons, Applicants respectfully submit that the rejection of amended claims 1, 46, and 91 under 35 U.S.C. § 102(e) should be withdrawn.

III. The Rejections Under 35 U.S.C. § 103(a)

Claims 4, 10, 16, 26, 31, 49, 55, 61, 71, 76, 94, 100, 106, 116, and 121 are rejected under 35 U.S.C. § 103(a) as being obvious over Alexander. Applicants have cancelled claims 4, 49, and 94 without prejudice.

The Examiner has taken Office Notice of the various features of claims 4, 10, 16, 26, 31, 49, 55, 61, 71, 76, 94,

100, 106, 116, and 121 that the Examiner concedes are not shown in Alexander.

While Applicants believe that the independent claims are now in condition for allowance and that these dependent claims are therefore also in condition for allowance, Applicants expressly reserve the right to traverse the Examiner's Official Notice should the Examiner maintain the Official Notice in a subsequent Office Action. Therefore the Examiner's Official Notice should not be taken as admitted prior art. Applicants note that the Examiner may only take Official Notice of facts outside of the record which are "capable of such instant and unquestionable demonstration as to defy dispute" (MPEP § 2144.03(A)).

IV. The Dependent Claims

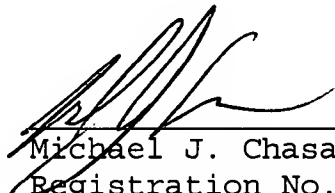
Applicants have demonstrated that the amended independent claims 1, 46, and 91 are allowable. Claims 2, 3, 5-31, 47, 48, 50-76, 92, 93, and 95-121 depend from one of amended claims 1, 46, and 91, and are allowable at least because claims 1, 46, and 91 are allowable.

Newly added dependent claims 136-150 also depend from one of amended claims 1, 46, and 91. Therefore, claims 136-150 are also allowable.

V. Conclusion

For at least the reasons set forth above, Applicants respectfully submit that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,



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